

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, ) CR-18-00577-CRB  
)  
PLAINTIFF, ) SAN JOSE, CALIFORNIA  
)  
VS. ) JUNE 27, 2023  
)  
LYNCH, ET AL, ) PAGES 1-26  
)  
DEFENDANT )  
)  
\_\_\_\_\_ )

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S

FOR THE GOVERNMENT: **BY: ROBERT S. LEACH**  
UNITED STATES ATTORNEYS OFFICE  
NORTHERN DISTRICT OF CALIFORNIA  
450 GOLDEN GATE AVENUE, BOX 36055  
SAN FRANCISCO, CA 94102

FOR THE GOVERNMENT: **BY: ADAM A. REEVES**  
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NORTHERN DISTRICT OF CALIFORNIA  
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APPEARANCES CONTINUED ON NEXT PAGE

OFFICIAL COURT REPORTER: SUMMER FISHER, CSR, CRR  
CERTIFICATE NUMBER 13185

PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY  
TRANSCRIPT PRODUCED WITH COMPUTER

APPEARANCES CONTINUED:

FOR THE DEFENDANT:  
LYNCH

**BY: CHRISTOPHER MORVILLO**  
CLIFFORD CHANCE US LLP  
31 WEST 52ND STREET  
NEW YORK, NY 10019

FOR THE DEFENDANT:  
LYNCH

**BY: REID HENRY WEINGARTEN**  
STEPTOE & JOHNSON LLP  
1330 CONNECTICUT AVENUE, NW  
WASHINGTON, DC 20036

FOR THE DEFENDANT:  
CHAMBERLAIN

**BY: GARY LINCENBERG**  
**MICHAEL LANDMAN**  
BIRD MARELLA BOXER WOLPERT NESSIM  
DROOKS LINCENBERG & RHOW, P.C.  
1875 CENTURY PARK EAST, 23RD FL  
LOS ANGELES, CA 90067

1 SAN JOSE, CALIFORNIA

JUNE 27, 2023

2 P R O C E E D I N G S

3 (COURT CONVENED AT 1:33 P.M.)

4 THE CLERK: CALLING CRIMINAL ACTION CR-18-0577. USA  
5 VERSUS MICHAEL RICHARD LYNCH AND STEPHEN KEITH CHAMBERLAIN.

6 COUNSEL, PLEASE STATE YOUR APPEARANCES FOR THE RECORD.

7 AND OUR COURT REPORTER IS REMOTE, SO EVERYONE WILL NEED TO  
8 SPEAK INTO THE MICROPHONES. THANK YOU.

9 MR. LEACH: GOOD AFTERNOON, YOUR HONOR.

10 ROBERT LEACH AND ADAM REEVES FOR THE UNITED STATES.

11 THE COURT: GOOD AFTERNOON.

12 MR. WEINGARTEN: GOOD AFTERNOON, YOUR HONOR.

13 REID WEINGARTEN FOR MIKE LYNCH, WHO IS HERE.

14 MR. MORVILLO: GOOD AFTERNOON, YOUR HONOR.

15 CHRISTOPHER MORVILLO FOR MIKE LYNCH AS WELL.

16 MR. LINCENBERG: GOOD AFTERNOON, YOUR HONOR.

17 GARY LINCENBERG AND MICHAEL LANDMAN FOR MR. CHAMBERLAIN  
18 WHO IS PRESENT IN COURT.

19 THE COURT: I'M SORRY, AND YOUR ASSOCIATE, OR YOUR  
20 PARTNER?

21 MR. LINCENBERG: MICHAEL LANDMAN. L-A-N-D-M-A-N.

22 THE COURT: OKAY.

23 SO THANK YOU, EVERYBODY. GOOD AFTERNOON.

24 THERE ARE A NUMBER OF OTHER LAWYERS WHO HAVE APPEARED IN  
25 THE ACTION BY WAY OF FILING A NOTICE OF APPEARANCE, BUT MY

1 UNDERSTANDING IS THEY WORK ESSENTIALLY WITH THE PEOPLE WHO ARE  
2 HERE, RIGHT?

3 MR. MORVILLO: THAT'S CORRECT, YOUR HONOR. BUT WE  
4 DIDN'T THINK IT WAS NECESSARY --

5 THE COURT: I THINK THE LAST I COUNTED, THERE WERE  
6 TEN LAWYERS FOR MR. LYNCH, AND FOUR LAWYERS, OR SIX, I FORGET,  
7 FOR MR. CHAMBERLAIN.

8 MR. LINCENBERG: I THINK THERE'S NOTICES BEING SENT  
9 TO FOUR LAWYERS.

10 THE CLERK: AND I'M SORRY, YOU WILL HAVE TO IDENTIFY  
11 YOURSELF BECAUSE OUR REPORTER --

12 MR. LINCENBERG: GARY LINCENBERG.

13 THE COURT: AND THAT WAS MR. MORVILLO, PERHAPS  
14 BEFORE. THAT'S ALL RIGHT. YES, NOT PERHAPS, IT WAS.

15 OKAY. ALL RIGHT. AND OBVIOUSLY THE PARTIES ARE ALLOWED  
16 TO HAVE AS MANY LAWYERS AS THEY WANT TO HAVE. AND AS A MATTER  
17 OF FACT, BY MY OWN OBSERVATION, IS THAT THAT WOULD BE USEFUL.  
18 IT WOULD BE USEFUL BECAUSE, AS YOU SEE MY PROPOSED SCHEDULING,  
19 THERE IS A SUBSTANTIAL OVERLAP OF TASKS WITH RESPECT TO DATES.

20 AND IT'S NOT BECAUSE LAWYERS ARE CAPABLE OF WALKING AND  
21 CHEWING GUM AT THE SAME TIME, I'M NOT MAKING THAT FINDING, I'M  
22 SIMPLY SUGGESTING THAT WHEN YOU HAVE A LOT OF DIFFERENT  
23 LAWYERS, YOU CAN ASSIGN DIFFERENT TASKS TO THEM TO DO IT.

24 AND THE GOVERNMENT, I UNDERSTAND THERE ARE ONLY TWO  
25 LAWYERS UP HERE, BUT I WAS TOLD THAT YOUR OFFICE HAS 135

1       LAWYERS. SO IF YOU NEED TO STAFF UP YOUR CASE, YOU ARE CAPABLE  
2       OF DOING SO. AND THAT'S OBVIOUSLY WITHIN THE PURVIEW OF THE  
3       INDIVIDUAL PARTY.

4               NOW, OF COURSE ALL OF THESE LAWYERS WHO ARE BUSY,  
5       SUCCESSFUL, OBLIGATED LAWYERS, THERE ARE GOING TO BE ALL SORTS  
6       OF CONFLICTS, AND I THINK THAT THAT'S SOMETHING THAT SORT OF  
7       GOES WITH THE TERRITORY, WHICH MEANS THAT SOME CONFLICTS WILL  
8       BE RESOLVED, SOME CONFLICTS WON'T.

9               I WOULD SAY THAT TO THE EXTENT THE COURT WILL BE USEFUL  
10      AND A PARTY WISHES FOR ME TO TALK TO A JUDGE IN A DIFFERENT  
11      JURISDICTION ABOUT A COMMITMENT THAT ONE OR MORE OF YOU HAVE  
12      MADE WITH RESPECT TO LITIGATION THAT'S PRESENTLY PENDING IN  
13      SOME OTHER DISTRICT, I WILL DO SO. IT'S NOT THAT ONE CASE IS  
14      MORE IMPORTANT THAN ANOTHER CASE, BUT THERE IS THE REALITY OF  
15      ONE, THAT THIS CASE WAS INDICTED FIVE YEARS AGO. SO FROM AN  
16      AGE POINT OF VIEW, IT'S -- YOU KNOW, IT'S WORTHY OF, UNDER THE  
17      SPEEDY TRIAL ACT AND SO FORTH, IT'S WORTHY OF SOME ADDITIONAL  
18      ATTENTION.

19              SECONDLY, THIS CASE IS SOMEWHAT COMPLICATED, OR CAN BE, BY  
20      THE FACT THAT WITNESSES, SOME, ARE MAYBE TESTIFYING FROM  
21      OUTSIDE THE COUNTRY, AND THEREFORE ARRANGEMENTS HAVE BEEN MADE.  
22      AND WHEN ARRANGEMENTS ARE MADE, THEY HAVE TO BE HONORED, AT  
23      LEAST TO THE EXTENT THE COURT CAN HONOR THEM. SO THAT'S A  
24      DIFFERENT CONSIDERATION, BUT IT'S ONE THAT'S ADDED TO IT.

25              SO THE LONG AND SHORT OF IT IS THAT IF THE PARTIES NEED ME

1 TO MAKE A TELEPHONE CALL, I'M -- DON'T HESITATE. I'M PLEASED  
2 TO DO IT, AND I WILL -- THAT'S AN OFFER THAT WILL CONTINUE TO  
3 BE PRESENT IF A NEW PROBLEM ARISES.

4 SO I THINK THE WAY TO OPERATE ON THIS MATTER, THE WAY TO  
5 PROCEED IS TO PICK A TRIAL DATE AND THEN EVERYTHING FLOWS FROM  
6 IT.

7 NOW THAT DOESN'T MEAN THAT YOU PICK A DATE LIKE 70 DAYS  
8 FROM NOW, BUT IT DOES MEAN THAT THE DATE THAT THE COURT PICKED,  
9 WHICH WAS SIX AND A HALF MONTHS FROM NOW, WAS APPROPRIATE. AND  
10 I THOUGHT THAT FOR A NUMBER OF REASONS.

11 FIRST, IT'S A GOOD IDEA TO SAY FOR THE RECORD, THIS CASE,  
12 IN ONE FORM OR ANOTHER, HAS BEEN LITIGATED. THAT IS TO SAY  
13 THAT THE EVIDENCE THAT THE GOVERNMENT HAS IN CONNECTION WITH  
14 THE TRIAL OF THIS CASE, HAS IN PART, BEEN ALREADY DISCLOSED AND  
15 SOME OF IT HAS BEEN DISCLOSED IN THIS COURT IN THE PROSECUTION  
16 TRIAL OF MR. HUSSAIN, AND SO THAT'S KNOWN.

17 SECONDLY, THERE HAS BEEN SOME EVIDENCE, I HAVE TO ASSUME  
18 IT'S EVIDENCE, THAT WAS PRODUCED IN ENGLAND IN CONNECTION WITH  
19 THE CIVIL LITIGATION INVOLVING HEWLETT-PACKARD. AND SO THERE  
20 HAVE BEEN TWO FORUMS OF WHICH I'M AWARE, AND MAYBE THERE ARE  
21 OTHERS, I DON'T KNOW, IN WHICH THERE'S BEEN A DISCLOSURE OF THE  
22 EVIDENCE, OF SOME OF THE EVIDENCE.

23 OKAY. THAT MAKES IT UNUSUAL, IT'S NOT LIKE EVERY OTHER  
24 CASE. USUALLY IN CRIMINAL CASES, THERE ISN'T THIS KIND OF  
25 DISCLOSURE. IN THIS CASE, THERE HAS BEEN. SO I HAVE TO

1 BELIEVE THAT THE PARTIES ARE VERY FAMILIAR WITH THE BASIC  
2 ALLEGATIONS THAT THE BASIC ALLEGATIONS THAT THE GOVERNMENT HAS,  
3 THAT THE INDICTMENT SETS FORTH, AND THAT THEY HAVE HAD AN  
4 OPPORTUNITY TO REVIEW THE EVIDENCE IN CONNECTION WITH WHAT HAS  
5 ALREADY BEEN PRODUCED IN THESE TWO FORUMS, AND SO THAT THEY  
6 START FROM A POSITION NOW WHERE THEY HAVE BEEN SUBSTANTIALLY  
7 INFORMED OF WHAT THE EVIDENCE IS.

8 THAT DOESN'T MEAN THAT THEY HAVE -- THAT THEY DON'T HAVE  
9 ARGUMENTS AND CONCERNS THAT HAVE TO BE ADDRESSED MID-WAY OR  
10 THROUGH THE CASE, IN THE COURSE TO THE TRIAL, BUT IT DOES MEAN  
11 THAT WE ARE NOT STARTING AT GROUND ZERO.

12 NOT STARTING AT GROUND ZERO, THE QUESTION IS WELL, HOW  
13 SOON CAN THE PARTIES GET READY? I SEE NO REASON WHY THE  
14 PARTIES CAN'T GET READY FOR A TRIAL TO COMMENCE IN JANUARY. I  
15 THINK I PICKED JANUARY, WHAT, DOES ANYBODY GOT THE DATE? HUH,  
16 JANUARY 29TH -- JANUARY 22ND. JANUARY 22ND. OKAY.

17 SO NOW I WOULD LIKE TO HEAR WHATEVER ANYBODY WANTS TO SAY  
18 ABOUT THAT TRIAL DATE. OKAY. MAY WE HEAR FIRST FROM THE  
19 GOVERNMENT, OR DEFENSE? I DON'T CARE. ANYBODY WHO WANTS TO GO  
20 FORWARD? BECAUSE WHEN WE LEAVE TODAY, I AM GOING TO HAVE A  
21 TRIAL DATE. I MEAN, EVERYBODY HAS TO KNOW THAT. THAT'S GOING  
22 TO HAPPEN. AT LEAST IN MY MIND, WE ARE GOING TO HAVE A TRIAL  
23 DATE. I WILL TELL YOU, IT DOESN'T DO MUCH GOOD JUST HAVING IT  
24 IN MY MIND, I THINK I HAVE TO COMMUNICATE IT, RIGHT? OKAY.

25 MR. LEACH, MR. WEINGARTEN? WELCOME, MR. WEINGARTEN. I

1 HAVEN'T SEEN YOU FOR MONTHS, I HOPE YOU ARE DOING ALL RIGHT.

2 MR. WEINGARTEN: I'M UTTERLY DELIGHTED TO BE HERE,  
3 AND THANK YOU FOR WELCOMING ME, YOUR HONOR.

4 THE COURT: PLEASED TO HAVE YOU, IT'S A PLEASURE  
5 HAVING YOU HERE.

6 MR. WEINGARTEN: THANK YOU SO MUCH.

7 JUDGE, WHEN WE DISCUSSED THE TRIAL DATE WITH THE  
8 GOVERNMENT, IT WAS A SERIOUS, GROWNUP DISCUSSION, AND AGAIN, I  
9 WOULD LIKE TO ANNOUNCE TO THE COURT AND I THINK THAT THIS WILL  
10 HELP DOWN THE ROAD, THAT WE HAVE AN UTTERLY PROFESSIONAL  
11 RELATIONSHIP WITH THE PROSECUTORS, AND WE TALKED TO OUR TEAM,  
12 AND THIS WAS A SERIOUS DISCUSSION ABOUT WHEN BOTH SIDES WANTED  
13 A TRIAL.

14 WE TOOK INTO ACCOUNT ALL POTENTIAL PERSONAL AND  
15 PROFESSIONAL CONFLICTS ON THE ENTIRE TEAM, WE SHARED MUCH OF  
16 THIS WITH THE GOVERNMENT, AND WE ALSO TOOK INTO ACCOUNT THE  
17 ENORMITY OF THIS CASE. EVERYTHING YOU HAVE SAID ABOUT THE TWO  
18 CASES OF COURSE IS TRUE, I'M NOT OBLIVIOUS TO WHAT HAPPENED IN  
19 THE SUSHOVAN TRIAL, WE OBVIOUSLY FOLLOWED THE ENGLISH TRIAL.

20 BUT ON TOP OF THAT, THIS IS JUST AN ENORMOUS CASE. IN MY  
21 EXPERIENCE AS A LAWYER, NOTHING APPROACHES THIS, EXCEPT ENRON.  
22 I MEAN, THERE ARE LITERALLY MILLIONS OF DOCUMENTS, THERE ARE  
23 COUNTLESS TRANSACTIONS THAT YOU HAVE TO MASTER, AND IT  
24 OBVIOUSLY TAKES TIME.

25 WE HAVE LEARNED FROM THE RECENT DISCOVERY THAT THERE'S A



1 TON OF MATERIAL THAT'S NEW, MORE THAN I GUESS TWO-DOZEN  
2 WITNESSES HAVE BEEN PUT IN THE GRAND JURY POST-SUSHOVAN THAT WE  
3 HAVE TO LEARN. AND THIS IS NOT GOING TO BE SUSHOVAN II. FOR  
4 MANY IMPORTANT REASONS, THIS TRIAL IS GOING TO BE COMPLETELY  
5 DIFFERENT.

6 TO NAME A COUPLE, WE HAVE FULLY INTEND TO PUT ON AN  
7 AGGRESSIVE DEFENSE, WHICH OF COURSE WILL REQUIRE PREPARATION.  
8 AS THE COURT MAY OR MAY NOT KNOW, MIKE LYNCH TESTIFIED FOR OVER  
9 20 DAYS IN ENGLAND. ALL OF THAT INFORMATION HAS TO BE  
10 PROCESSED AND FIT INTO WHAT'S RELEVANT HERE IN THIS  
11 COURTROOM -- COURTHOUSE.

12 WE ANTICIPATE CALLING EXPERTS, WE ANTICIPATE A TON OF WORK  
13 REQUIRED IN ENGLAND TO GET THE RELEVANT INFORMATION THAT CAME  
14 OUT OF THE ENGLISH TRIAL HERE.

15 AND I THINK THAT'S THE SECOND PIECE. THE ENGLISH TRIAL  
16 TOOK FROM STEM TO STERN, ABOUT A YEAR. OBVIOUSLY THEY WERE NOT  
17 IN COURT EVERY DAY, BUT THE JUDGE'S OPINION IS 1,600 PAGES,  
18 THERE'S JUST AN ENORMOUS AMOUNT OF MATERIAL TO PROCESS.

19 AND IN TRUTH AND IN FACT, MY BRIEF ACQUAINTANCESHIP WITH  
20 THE ENGLISH TRIAL, THERE'S GOING TO BE A BUNCH OF EVIDENCE IN  
21 ENGLAND THAT YOU DIDN'T HAVE THE BENEFIT OF HEARING, AND SOME  
22 OF THE EVIDENCE IN ENGLAND THAT OUT IS INCONSISTENT WITH THE  
23 EVIDENCE ELICITED HERE. WE NEED TO PROCESS ALL OF THAT. IT'S  
24 AN ENORMOUS UNDERTAKING.

25 AND THREE, OF COURSE THERE'S COUNT 17. COUNT 17 IS BRAND

1 NEW, IT'S AN OBSTRUCTION COUNT, BUT IT'S A CONSPIRACY THAT  
2 COVERS EIGHT YEARS, ALL OF IT POST-ACQUISITION.

3 THERE ARE FOUR SEPARATE CRIMINAL STATUTES THAT ARE  
4 INVOLVED. THERE'S 17 SEPARATE ACTS OF CRIMINALITY THAT ARE  
5 CHARGED. IT'S A HUGE UNDERTAKING TO GET READY FOR THAT.

6 TAKING ALL THAT INTO ACCOUNT, AND AS THE COURT INDICATED,  
7 THE PRETRIAL LITIGATION THAT WE ARE ANTICIPATING, INCLUDING  
8 SUBSTANTIVE MOTIONS THAT OF COURSE THE COURT WILL EXPECT, WE  
9 SAT DOWN AND WE CAME TO THE CONCLUSION THAT SPRING 2024 WAS A  
10 FAIR AMOUNT OF TIME TO PREPARE FOR THE TRIAL.

11 AND WE TOOK INTO ACCOUNT THE LIKELIHOOD, OR PERHAPS NOT  
12 THE CERTAINTY, BUT I'M OPTIMISTIC THAT WE WILL BE ABLE TO SIT  
13 DOWN WITH THE GOVERNMENT AND SAY, LET'S AGREE TO -- LET'S MAKE  
14 THIS SIMPLER THAN IT OTHERWISE WOULD BE. PERHAPS WE CAN AGREE  
15 WITH WHAT TRANSACTIONS YOU ARE GOING TO ALLEGE ARE WRONG, MAYBE  
16 THEY SIMPLY SAY EVERYTHING WE SAID --

17 THE COURT: OH, NO, NO, LET ME TELL YOU, I DON'T  
18 THINK YOU ARE BEING OPTIMISTIC, I THINK YOU ARE BEING  
19 REALISTIC.

20 MR. WEINGARTEN: OKAY.

21 THE COURT: I MEAN, I WILL TELL YOU THIS, I HAVE NO  
22 PROBLEM, NONE, TELLING THE GOVERNMENT, BY THIS DATE, I WANT YOU  
23 TO OUTLINE WHAT WITNESSES YOU ARE GOING TO CALL, I WANT TO HAVE  
24 AN IDEA AS TO WHAT THEY ARE GOING TO TESTIFY TO.

25 THE AMBUSH IS OUT. THAT'S NOT GOING TO WORK HERE.

1       THERE'S NO REASON FOR IT.  AND I'M NOT SUGGESTING YOU WOULD,  
2       OKAY, BUT YOU ARE NOT BEING OPTIMISTIC.  YES, OF COURSE, I AM  
3       GOING TO SET A SCHEDULE BASED ON AN ASSUMPTION THAT THERE IS  
4       COOPERATION, AND IF THERE ISN'T, THEN THERE ARE GOING TO BE  
5       CONSEQUENCES FOR IT.

6               SO, YOU KNOW, I APPRECIATE WHAT YOU ARE SAYING, BUT I WANT  
7       TO MAKE SURE WE ARE ALL ON THE SAME PAGE AS TO HOW IT'S GOING  
8       TO PROCEED.

9               MR. WEINGARTEN:  WELL, LET ME RAISE THE FOLLOWING:  
10       IN ADDITION TO THE BASICS, YOU KNOW, THERE WAS THIS MONSTER  
11       TRIAL IN ENGLAND, IT TOOK ALMOST A YEAR, THERE'S A BUNCH OF  
12       EVIDENCE THAT WE LIKED THAT WAS ELICITED IN THE ENGLISH TRIAL,  
13       OBVIOUSLY WE DIDN'T CELEBRATE WITH THE VERDICT, BUT THERE WAS A  
14       LOT OF STUFF IN THERE THAT WE LIKED.  AND AGAIN, WE ANTICIPATED  
15       THE POSSIBILITY OF ARRIVING AT STIPULATIONS, THE POSSIBILITY WE  
16       HAVE AN UNDERSTANDING OF WHAT WE CAN DO WITH THAT EVIDENCE AND  
17       CAN'T DO WITH THAT EVIDENCE.

18               OBVIOUSLY WE UNDERSTAND THAT THE FEDERAL RULES OF EVIDENCE  
19       WILL APPLY, IN TERMS OF EVIDENCE FROM THE SUSHOVAN TRIAL AND  
20       THE ENGLISH TRIAL, BUT WE ARE HOPEFUL THAT, YOU KNOW, THERE  
21       COULD PERHAPS BE AGREEMENT ON HOW WE GET ENGLISH WITNESSES TO  
22       THIS COURTHOUSE, AND IF NOT, WHETHER OR NOT THERE WOULD BE  
23       DEPOSITIONS TAKEN IN ENGLAND.

24               THE LONG AND SHORT OF IT, THERE'S A TON OF WORK TO BE DONE  
25       RELATING TO THE ENGLISH TRIAL TO FIGURE OUT HOW AND WHY

1 EVIDENCE ELICITED IN ENGLAND CAN BE BROUGHT INTO THIS  
2 COURTROOM.

3 AND COUNT 17, AGAIN, IS AN ENORMOUS NEW ADDITION TO THE  
4 ORIGINAL CHARGES. OF COURSE IT'S BRAND-NEW, WE HAVE VERY  
5 STRONG FEELINGS ABOUT COUNT 17, ALL OF IT IS POST-ACQUISITION,  
6 WE THINK MANY -- OBVIOUSLY WE UNDERSTAND WHAT THE RULE OF THE  
7 CASE IS, BUT WE THINK A NUMBER OF ISSUES THAT WERE RELEVANT IN  
8 SUSHOVAN, AND BASED UPON WHAT THE COURT HEARD, THE COURT RULED,  
9 BUT I BELIEVE THERE ARE NEW CIRCUMSTANCES, THERE'S GOING TO  
10 BE --

11 THE COURT: WELL, I WOULD SAY, AGAIN, I THINK MAYBE  
12 THIS IS HELPFUL, I DON'T THINK THERE'S "A RULE OF THE CASE."  
13 YOU KNOW, THERE'S A DIFFERENT DEFENDANT FACING EVIDENCE THAT  
14 MAY BE IDENTICAL OR MAY NOT BE IDENTICAL, BUT THAT'S -- I  
15 APPROACH THE CASE -- THE WAY I APPROACH THE CASE IS THIS IS A  
16 FRESH CASE. THE FACT THAT THERE'S BEEN A PRECEDING CASE,  
17 THERE'S BEEN A PRECEDING CASE, BUT YOU DIDN'T PARTICIPATE IN  
18 THE PRECEDING CASE.

19 MR. WEINGARTEN: TRUE.

20 THE COURT: AND SO THERE WE ARE.

21 I MEAN, I WILL -- YOU KNOW HOW I'M GOING TO RULE ON  
22 CERTAIN THINGS, OR HOW YOU THINK I'M GOING TO RULE, BUT I  
23 PROBABLY WILL RULE THE SAME WAY, BUT I'M ALSO SOMEBODY WHO  
24 CHANGES HIS MIND, YOU KNOW. YOU ARE HOPEFUL THAT I'M GOING TO  
25 CHANGE MY MIND ON THE TRIAL DATE, BUT LET'S -- I APPRECIATE ALL

1 OF THAT. I JUST WANT --

2 MR. WEINGARTEN: JUST ON A PERSONAL MATTER, BASED  
3 UPON THE COURT'S SCHEDULE, I ACTUALLY HAVE SURGERY SCHEDULED  
4 FOR JULY 28TH. RECOVERY PERIOD UNKNOWN UNTIL THE SURGERY  
5 OCCURS, BUT I'M EXPECTING ABOUT A MONTH ON THE MEND. SO I WANT  
6 TO BE INVOLVED WITH ALL THE PRETRIAL STUFF, SO I'M HOPEFUL THAT  
7 THERE'S SOME BREAK THERE.

8 AND NUMBER TWO, I RECENTLY HAD A CLIENT INDICTED IN THE  
9 EASTERN DISTRICT OF NEW YORK, DIDN'T EXPECT IT, THE CLIENT IS  
10 PURSUING A SPEEDY TRIAL. I DIDN'T -- I HEARD WHAT YOU SAID  
11 BEFORE, BUT JUST LET ME ADD TWO SENTENCES, AND I DIDN'T ASK FOR  
12 A TRIAL DATE LAST WEEK WHEN I WAS IN COURT IN THE EASTERN  
13 DISTRICT BECAUSE I WANTED TO OBVIOUSLY KNOW WHAT I WAS DOING  
14 HERE FIRST, BUT THE IDEA WOULD BE --

15 THE COURT: YOU KNOW, I -- I DON'T HAVE A LOT OF  
16 SYMPATHY FOR THAT ONE. LAWYERS -- ALL OF YOU ARE GOING TO BE  
17 BUSY, YOU GOT TEN PEOPLE. I UNDERSTAND SOMEBODY IS GOING TO BE  
18 IN CHARGE, I'M TALKING TO YOU BECAUSE I ASSUME THAT YOU ARE THE  
19 LEAD TRIAL LAWYER AT THIS POINT, BUT I ALSO CAN APPRECIATE THE  
20 FACT THAT IF FOR SOME REASON YOU BECOME UNAVAILABLE, ANY  
21 REASON, I'M NOT TALKING ABOUT HEALTH, I'M TALKING ABOUT JUST  
22 GENERALLY UNAVAILABLE TO TRY THE CASE, THEN IT HAS TO PROCEED,  
23 SOMEBODY HAS TO TAKE A LOOK AT IT.

24 I MEAN, BUT YOU'VE GOT VERY ACCOMPLISHED LAWYERS WHO ARE  
25 ASSISTING YOU IN THIS ENDEAVOR.

1 MR. WEINGARTEN: TRUE.

2 THE COURT: AND IT'S NOT LIKE -- IF YOU GET INVOLVED  
3 IN SOMETHING ELSE, THAT'S ON YOU, IT'S NOT GOING TO BE ON THE  
4 COURT.

5 MR. WEINGARTEN: THE OTHER THING I WOULD LIKE TO  
6 OBSERVE IS WHEN I LAST LOOKED, COUNTED THE DAYS, THE SUSHOVAN  
7 TRIAL WAS 31 DAYS, AS WE ALL KNOW. THE DEFENSE WAS ONE  
8 WITNESS. TO THE EXTENT THE GOVERNMENT INTENDS TO DUPLICATE ITS  
9 EFFORT IN TERMS OF ITS CASE, YOU KNOW, I THINK THE TRIAL -- I  
10 MEAN, I WOULD THINK WE WOULD NEED ABOUT AS MUCH TIME FOR OUR  
11 CASE AS THEY ARE GOING TO PUT ON THEIR CASE, INCLUDING THE  
12 TESTIMONY OF AT LEAST OUR DEFENDANT --

13 THE COURT: IT MAY BE A VERY LONG CASE.

14 MR. WEINGARTEN: IT COULD BE A VERY LONG CASE, AND I  
15 RESPECTFULLY SUGGEST THAT WE HAVE THOUGHT ABOUT ALL OF THOSE  
16 THINGS WHEN WE DISCUSSED THIS WITH THE -- IT WAS A GROWNUP  
17 DISCUSSION, AND IT WAS --

18 THE COURT: I APPRECIATE THAT. AND I DIDN'T THINK  
19 THAT YOU PRESENTED ME WITH AN OUTRAGEOUS SCHEDULE. I DIDN'T  
20 THINK THAT.

21 I'M NOT SAYING, YOU KNOW, WELL, WE ARE NOT GOING TO LIVE  
22 WITH THAT SCHEDULE. NO. I MEAN, IT HAD A LOT OF CREDIBILITY,  
23 I UNDERSTAND WHAT YOU ARE SAYING, BUT I'VE GOT TO MEASURE A  
24 COUPLE OF OTHER THINGS WITH IT, AND THAT'S WHAT I'M TRYING TO  
25 DO IN THIS PROCESS. BUT I APPRECIATE WHAT YOU ARE SAYING, IT'S

1 HELPFUL.

2 I WOULD LIKE TO HEAR FROM MR. LINCENBERG.

3 MR. WEINGARTEN: OKAY. THANK YOU, YOUR HONOR.

4 MR. LINCENBERG: AND I FILED FOR THE COURT, A NOTICE  
5 OF CONFLICT SO THAT THE COURT WOULD SEE THAT.

6 AND I APPRECIATE THE COURT'S COMMENT ABOUT CONTACTING  
7 OTHER JUDGES, BECAUSE MY BELIEF IS THAT MY MARCH TRIAL WILL NOT  
8 GO IN MARCH, AND MY BELIEF IS THAT IF NEED BE, A CALL FROM YOU  
9 WOULD HELP IT TO NOT GO IN MARCH, BUT I DON'T THINK IT'S GOING  
10 TO GO IN MARCH ANYWAYS.

11 THE COURT: WHO IS IT IN FRONT OF?

12 MR. LINCENBERG: JUDGE HATTER.

13 THE COURT: OH, JUDGE HATTER. JUDGE HATTER IS GREAT.

14 YOU KNOW, JUDGE HATTER -- JUDGE HATTER, PARDON ME, I  
15 ALWAYS MAKE THE JOKE, AND IT'S NEVER FUNNY, WHICH IS WHEN THERE  
16 ARE CONFLICTS AMONG THE JUDGES IN THIS COURT, I ALWAYS SAY --  
17 WELL, MY IDEA IS YOU LOOK AT THE LETTERHEAD. AND WHO IS AHEAD  
18 IN THE LETTERHEAD, YOU KNOW, THE SENIOR PEOPLE. AND I NOW MAKE  
19 THAT COMMENT WITH SOME FREQUENCY BECAUSE I'M MOVING UP THE  
20 LETTERHEAD. BUT I CAN'T WITH JUDGE HATTER, HE'S BEEN THERE  
21 LONGER THAN I HAVE. BUT HE'S A WONDERFUL JUDGE, VERY  
22 REASONABLE, AND I CAN CERTAINLY GIVE HIM A CALL OR FIND OUT --  
23 WHAT'S ON HIS MIND.

24 MR. LINCENBERG: WE HAVE A LOWER NUMBER IN THIS  
25 COURTROOM, BUT AT THE SAME TIME, THAT TRIAL DATE WAS SET. NOT

1 ALL OF THE DEFENDANTS HAVE EVEN APPEARED IN THE CASE, IT'S  
2 JUST -- I NEEDED TO PUT IT ON THE RECORD.

3 FOR ME, THE MAIN REASON WHY JANUARY, I THINK IS JUST TOO  
4 EARLY, IS BECAUSE I -- ECHOING WHAT MR. WEINGARTEN SAID, I  
5 THINK THERE'S GOING TO BE A SIGNIFICANT AMOUNT OF FOREIGN  
6 DEPOSITION TESTIMONY.

7 I'VE ADVISED THE GOVERNMENT COUNSEL THAT I INTEND TO CALL  
8 SOME WITNESSES WHO ARE LOCATED IN THE UK. AND SO WE ARE  
9 ESSENTIALLY, IN THAT RESPECT, STARTING THE TRIAL, YOU KNOW, IF  
10 THOSE DEPOSITIONS END UP TAKING PLACE IN JANUARY, LET'S SAY.  
11 SO WHAT I HAD SUGGESTED IS IF GOVERNMENT COUNSEL CAN GIVE US A  
12 PRELIMINARY WITNESS LIST, UNDERSTANDING THAT IT MAY CHANGE,  
13 SOONER RATHER THAN LATER, WE HAD PUT A DATE ON IT SO THAT WE  
14 KNOW WHO THEY ARE NOT GOING TO BE CALLING. AND THEN SECOND,  
15 GET US A LIST OF UNINDICTED CO-CONSPIRATORS SO THAT WHEN WE  
16 ADDRESS THE TOPIC WITH SOME OF THESE POTENTIAL WITNESSES IN  
17 TERMS OF UNAVAILABILITY, WILLINGNESS TO TRAVEL HERE DURING THE  
18 DEFENSE CASE AND THE LIKE, THAT'S KNOWN OR NOT KNOWN.

19 AND THIRD, WHILE THE GOVERNMENT HAS INDICATED GENERALLY, I  
20 THINK THIS IDEA THAT THEY WOULD GIVE SAVE PASSAGE TO CERTAIN  
21 NUMBER OF PEOPLE, THEY HAVEN'T INDICATED THAT THEY WOULD  
22 NECESSARILY GIVE IMMUNITY.

23 NOW WE HAVEN'T HAD PARTICULARIZED DISCUSSIONS,  
24 WITNESS-BY-WITNESS ON THIS, BUT ALL OF THOSE THINGS ARE GOING  
25 TO NEED TO BE DISCUSSED. AND IT SEEMS TO ME THAT BY THE TIME



1 MY CO-COUNSEL, WHO JUST GOT DISCOVERY, GETS READY AND WE START  
2 PLANNING AND FIGURING OUT TIMES WHEN WE CAN DO FOREIGN  
3 DEPOSITIONS, THAT IF WE GET THE PAPERWORK IN TO THE COURT IN A  
4 COUPLE OF MONTHS AND THEN DURING SAID DATES AND START TAKING  
5 TESTIMONY, IT WILL BE A CERTAIN AMOUNT OF THE TRIAL, I DON'T  
6 KNOW HOW MANY WITNESSES, BUT I CERTAINLY HAVE A NUMBER IN MIND  
7 WHO I THINK WILL STATE THAT THEY ARE UNWILLING TO COME.

8 THE COURT: SO I THINK -- SO I DON'T KNOW HOW YOU  
9 FIGURE OUT HOW MANY WITNESSES YOU ARE GOING TO CALL UNTIL YOU  
10 SEE WHAT THE SHAPE OF THE GOVERNMENT'S CASE IS.

11 MR. LINCENBERG: RIGHT.

12 THE COURT: YOU ARE NOT GOING TO GO OUT AND TILT  
13 WINDMILLS, YOU ARE NOT GOING TO GO OUT AND DEFEAT THIS OR  
14 DEFEAT THAT IF THEY ARE NOT EVEN MAKING THE ARGUMENT.

15 SO THAT'S WHY I SAY IT, WE'VE GOT TO GET THIS PROCESS  
16 STARTED.

17 MR. LINCENBERG: RIGHT.

18 THE COURT: AND I'VE TRIED TO MOVE IT AHEAD,  
19 ESPECIALLY ON THE DISCLOSURE, THE LIST OF CO-CONSPIRATORS, I  
20 SET THAT FOR JULY 7TH. OKAY. THAT'S NOT A PROBLEM, IS IT?

21 MR. LEACH: WE WILL MEET ANY REASONABLE SCHEDULE THE  
22 COURT SETS, YOUR HONOR, IT'S NOT A PROBLEM.

23 THE COURT: OKAY. GOOD. OKAY.

24 SO I'VE GOT TO GET IT STARTED. BUT I HEAR WHAT YOU ARE  
25 SAYING. I MEAN, I'VE LISTENED TO MR. WEINGARTEN, AND I DO KNOW

1 THAT YOU'VE NEGOTIATED THIS IN GOOD FAITH. I WANT TO HEAR FROM  
2 THE GOVERNMENT THOUGH.

3 MR. LINCENBERG: RIGHT.

4 THE COURT: BUT I DON'T WANT TO CUT YOU OFF.

5 MR. LINCENBERG: NO, THE ONLY OTHER THING, AS THE  
6 COURT KNOWS, I START A THREE-MONTH TRIAL ON AUGUST 8TH, AND IT  
7 DOESN'T MEAN I CAN'T WORK ON THIS CASE AT THE SAME TIME, IT  
8 DOESN'T MEAN I DON'T HAVE PEOPLE IN MY OFFICE WHO CAN ASSIST AT  
9 THE SAME TIME, BUT THERE ARE CERTAIN THINGS THAT I NEED TO DO,  
10 AND MY PRIORITY, BECAUSE OF LOOKING BACK FROM WHATEVER TRIAL  
11 DATE IS SET, IS TO TRY TO GET SOME OF THIS RULE 15 STUFF  
12 ROLLING SO THAT WE CAN GET CERTAIN THINGS OUT OF THE WAY,  
13 UNLESS THE COURT WANTS TO INDICATE THAT YOUR HONOR WOULD BE  
14 WILLING TO LET US DO RULE 15 DURING THE DEFENSE CASE, BUT I  
15 DON'T THINK YOU ARE GOING TO WANT TO --

16 THE COURT: WELL, I DON'T KNOW WHERE WE ARE. YOU  
17 KNOW, THE INTERESTING THING IS THAT I SAY IT DEPENDS. I MEAN,  
18 EVERY CASE IS SHAPED DIFFERENTLY: YOU HAVE A SET OF RULES OUT  
19 THERE, BUT THERE ARE REASONS SOMETIMES NOT TO FOLLOW THOSE  
20 RULES.

21 AND THIS CASE DOES PRESENT CERTAIN UNUSUAL ISSUES,  
22 BASICALLY IT'S A FORUM THAT'S OUT OF THE UNITED STATES, IT HAS  
23 OBVIOUSLY RELEVANT INFORMATION CONCERNING IT. SO THAT PRESENTS  
24 AN UNUSUAL ISSUE, WE HAVE TO FIGURE OUT A WAY TO GET THROUGH  
25 THAT.

1 I THINK TO AN EXTENT, AS I'VE SAID BEFORE, LITIGATION IN  
2 ENGLAND HAS BEEN ENORMOUSLY HELPFUL TO THE PARTIES IN SEEING  
3 WHAT THERE IS OUT THERE, YOU KNOW, WHATEVER IT IS.

4 MR. LINCENBERG: RIGHT.

5 THE COURT: OKAY.

6 MR. LEACH: THANK YOU, YOUR HONOR.

7 THE COURT: YES.

8 MR. LEACH: TWO POINTS.

9 I THINK IT'S IMPORTANT TO SAY THE GOVERNMENT WILL MEET ANY  
10 REASONABLE SCHEDULE THE COURT SETS. AND WE ALSO RECOGNIZE THE  
11 COURT HAS INVESTED A CONSIDERABLE AMOUNT OF TIME IN THIS CASE  
12 AND THE RELATED CASE AND APPRECIATE THE COURT'S EFFORTS TO SET  
13 A TRIAL DATE AND TO MOVE THIS TO RESOLUTION.

14 I AGREE WITH MUCH OF WHAT MR. LINCENBERG AND  
15 MR. WEINGARTEN SAID. WE DID NEGOTIATE ON A SCHEDULE. WE  
16 THOUGHT SPRING 2024 WAS A DATE THAT WORKS BEST FOR THE  
17 GOVERNMENT, AND AIMS TO ACCOMMODATE WHAT WE PERCEIVED AS  
18 REASONABLE CONFLICTS ON THE OTHER SIDE, AS THEY ACCOMMODATED  
19 SOME OF OUR REASONABLE CONFLICTS. BUT WE WILL MEET WHATEVER  
20 SCHEDULE THE COURT SETS.

21 I DO THINK THE DISCUSSION AROUND RULE 15 DEPOSITIONS PUTS  
22 THE CART BEFORE THE HORSE A LITTLE BIT. RULE 15 DEPOSITIONS  
23 ARE THE EXCEPTION, THEY ARE NOT THE NORM. THEY REQUIRE A  
24 SHOWING OF EXCEPTIONAL CIRCUMSTANCES, AND THAT IT'S IN THE  
25 INTEREST OF JUSTICE.

1 I HEAR WHAT THE DEFENSE IS SAYING IN TERMS OF THE LENGTH  
2 OF THE DEFENSE CASE AND THE DESIRE TO HAVE RULE 15 DEPOSITIONS,  
3 BUT I'M A LITTLE SKEPTICAL THAT WE ARE GOING TO HAVE A TRIAL  
4 WITH A LOT OF VIDEO BEING PLAYED FOR WEEKS ON END. THERE WERE  
5 NO RULE 15 DEPOSITIONS IN THE HUSSAIN CASE, AND OBVIOUSLY NONE  
6 WERE PLAYED IN THE TRIAL.

7 SO I THINK THE MIX OF FACTORS THAT HAVE GONE INTO THIS  
8 VERY CAREFULLY NEGOTIATED SCHEDULE, ARE ALL OUT THERE, BUT WE  
9 ARE READY WHENEVER THE DEFENSE IS READY AND WHENEVER THE COURT  
10 IS READY, AND WE WANT TO ACCOMMODATE ALL OF THOSE INTERESTS.

11 MR. WEINGARTEN: YOU KNOW, I'M JUST SORT OF  
12 PROCESSING ALL THAT'S GOING ON RIGHT NOW. IN MY HEART OF  
13 HEARTS, I BELIEVE THE FOLLOWING: I THINK GIVEN THE ENORMITY OF  
14 THAT CASE, I THINK THE MIDDLE OF JANUARY IS REALLY PUSHING IT,  
15 AND IT MAY WORK FOR THE COURT FOR WHATEVER REASON --

16 THE COURT: I'VE GOT EVEN A BETTER REASON. I DON'T  
17 WANT PEOPLE TO HAVE TO WORK OVER -- NECESSARILY OVER CHRISTMAS,  
18 BUT I MEAN, THAT'S ALWAYS IN MY MIND.

19 THIS IS WHAT I'M GOING TO DO, ALL RIGHT, I'M GOING TO SET  
20 THE TRIAL DATE ON MARCH 18TH. NOW THAT HAPPENS TO BE MID-WAY  
21 BETWEEN THE TWO DATES, BUT IT WASN'T LIKE SOLOMON THAT I CAME  
22 TO THAT. I THINK THAT THAT'S A REASONABLE DATE FOR THE PARTIES  
23 TO MEET.

24 IN TERMS OF TRIAL PREPARATION, I REALLY WANT TO INSIST  
25 THAT ALL THE PARTIES WORK VERY HARD IN THE NEXT EIGHT MONTHS

1 GETTING THIS CASE READY, AND THAT MEANS RESOLVING THESE ISSUES  
2 OF FOREIGN DEPOSITION AS SOON AS IT BECOMES APPARENT THAT ONE  
3 SIDE WANTS TO DO IT, IF THAT'S WHAT YOU WANT TO DO, THEN I WANT  
4 TO BE ABLE TO RULE ON IT.

5 AND RULINGS COME FAIRLY QUICKLY, PERHAPS TOO QUICKLY, BUT  
6 IT'S WITH THE GOAL THAT WE GET THIS ADJUDICATED, ESPECIALLY  
7 SINCE IT DOES LOOK LIKE A LONG TRIAL TO THE COURT.

8 SO I THINK REALISTICALLY, WE START ON THE 18TH, I WILL  
9 ISSUE A NEW ORDER TOMORROW, IT WILL BE AN ORDER, I WILL ADJUST  
10 THE DATES ACCORDINGLY. I WILL ALSO SAY THAT IF THE PARTIES  
11 WANT TO SEEK A FURTHER ADJUSTMENT, NOT OF THE TRIAL DATE, AT  
12 LEAST NOT INITIALLY, THAT THEY MAY DO SO. I MEAN, I HAVE NO  
13 IDEA WHETHER THESE DATES ARE "REALISTIC" AND MAYBE THEY WERE  
14 ONLY SELECTED AS DATES, GIVEN THE PROPOSED TRIAL DATE. NOW  
15 THAT THE TRIAL DATE IS KNOWN, I THINK THAT OTHER DATES WILL  
16 FALL INTO PLACE.

17 MR. WEINGARTEN: IF I COULD MAKE A SUGGESTION --

18 THE COURT: AND THAT'S NOT COINCIDENTALLY THAT IT'S  
19 THE DAY BEFORE YOUR CONFLICT WITH JUDGE HATTER, BUT I WILL GIVE  
20 HIM A CALL.

21 I WILL GIVE HIM A CALL SO HE UNDERSTANDS THAT IT'S NOT YOU  
22 THAT'S DOING THIS, IT'S ME.

23 MR. WEINGARTEN: JUST A SUGGESTION. NOW THAT WE KNOW  
24 THE TRIAL DATE, PERHAPS WE GO BACK TO THE NEGOTIATING TABLE AND  
25 SET --

1 THE COURT: PERFECT, THAT'S EVEN A BETTER SUGGESTION.  
2 EVEN BETTER. ANYTHING YOU GUYS ARE ABLE TO DO THAT I CAN LIVE  
3 WITH, DO.

4 MR. WEINGARTEN: FAIR ENOUGH.

5 THE COURT: ANYTHING ELSE?

6 MR. LEACH: WE ARE HAPPY TO NEGOTIATE THE REMAINDER  
7 OF THE SCHEDULE, YOUR HONOR.

8 THE COURT: OKAY.

9 MR. LINCENBERG?

10 MR. LINCENBERG: THE ONLY THING I WOULD INDICATE IS  
11 IN TERMS OF NEGOTIATING THE SCHEDULE, WE DID HAVE A  
12 DISAGREEMENT, I THINK ON THE DATES FOR DISCLOSURE OF INITIAL  
13 WITNESS LIST AND UNINDICTED CO-CONSPIRATORS, AND IT WOULD BE  
14 REALLY HELPFUL TO GET THAT --

15 THE COURT: WELL, THEY KNOW HOW I FEEL ABOUT THAT.  
16 THEY KNOW THE SOONER THEY CAN GET THE LIST OUT, THE BETTER.

17 NOW, CIRCUMSTANCES CHANGE, WITNESSES DON'T ALWAYS SAY WHAT  
18 YOU THINK THEY ARE GOING TO SAY. AND YOU GET A PREP AND SO  
19 FORTH, AND IT'S NOT X, IT'S X MINUS Y, AND SO YOU SAY, WELL I  
20 BETTER PUT IN THE MINUS Y, WHO IS GOING TO DO THE MINUS Y.

21 SO I SORT OF GET THAT, BUT A LOT DEPENDS ON OPERATING ON  
22 GOOD FAITH. AND THIS IS A CASE WHERE SINCE SO MANY CARDS ARE  
23 ALREADY OUT ON THE TABLE, IT'S ACTUALLY EASIER TO OPERATE IN  
24 GOOD FAITH. THERE ARE FEWER SURPRISES, I WOULD THINK.

25 MR. LEACH: YOUR HONOR, MY INTENTION WAS TO TAKE THE

1 COURT'S ORDER AT 180 WITH THE DATES THAT ARE SET FORTH -- WITH  
2 THE EVENTS THAT ARE SET FORTH IN HERE, AND TWEAK THE DATES TO  
3 SATISFY THE MARCH SCHEDULE. I THINK THE DEFENSE IS LOOKING FOR  
4 AN EVEN EARLIER PRELIMINARY WITNESS LIST.

5 THE COURT: I WILL LET YOU NEGOTIATE IT, OKAY. YOU  
6 JUST NEGOTIATE IT. JUST SIT DOWN AND NEGOTIATE IT. YOU WILL  
7 BE SURPRISED, A LITTLE BIT OF THIS, A LITTLE BIT OF THAT,  
8 THINGS THEY FALL INTO PLACE.

9 MR. LINCENBERG: FAIR ENOUGH.

10 THE COURT: YOU GOT THE TIME.

11 MR. WEINGARTEN: THANK YOU.

12 JUST A SMALL REQUEST ON BAIL CONDITIONS. WE ARE DOING  
13 FINE, A SLIGHT MODIFICATION WOULD BE HELPFUL ALONG THE  
14 FOLLOWING LINES. HIS CHILDREN ARE COMING NEXT WEEK AND WE  
15 WOULD BE GRATEFUL IF HE COULD TAKE A WALK WITH THEM, IF HE  
16 COULD GO TO A RESTAURANT WITH THEM, AND PERHAPS HAVE A CURFEW,  
17 PERHAPS ALWAYS ACCOMPANIED BY THE GUARDS. AND IT SEEMS LIKE  
18 A --

19 THE COURT: YEAH, I THINK WE CAN WORK OUT SOMETHING.  
20 LET'S PUT IN A PROPOSED PLAN.

21 MR. WEINGARTEN: OF COURSE.

22 AND THE SECOND, OBVIOUSLY WE ARE ASSUMING THAT THE  
23 INDICTMENT PRESENTLY -- THE EXPANDED INDICTMENT WE HAVE TO  
24 DEFEND, THAT THERE'S NO SUPERSEDER. WE HAVE TALKED TO THE  
25 GOVERNMENT ABOUT THAT, I WOULD LIKE TO PUT THAT ON THE RECORD.

1 THE COURT: WHAT ARE YOU SAYING ON THAT?

2 MR. LEACH: YOUR HONOR, I CAN'T COMMIT TO THERE NEVER  
3 BEING A CHANGE IN THE CHARGING INSTRUMENTS, AND I DON'T THINK  
4 IT'S APPROPRIATE --

5 THE COURT: YOU HAVE NO PRESENT PLANS FOR A  
6 SUPERSEDING INDICTMENT; IS THAT CORRECT?

7 MR. LEACH: THAT IS CORRECT.

8 THE COURT: FREQUENTLY THEY GOT ALL SORTS OF PRESENT  
9 PLANS. THERE ARE NO PRESENT PLANS.

10 MR. WEINGARTEN: IT'S ALL GOOD.

11 THE COURT: YOU KNOW, I HAVE TO BE CAREFUL HERE THAT  
12 THE COURT IS NOT THE PROSECUTING AUTHORITY HERE. I MEAN, WE  
13 ARE NOT THE EXECUTIVE BRANCH, IT'S UP TO THE EXECUTIVE BRANCH  
14 TO DECIDE HOW TO DO THESE THINGS WITHIN SOME REASONABLE BOUNDS.

15 MR. WEINGARTEN: YES.

16 THE COURT: ALL RIGHT.

17 MR. WEINGARTEN: YEP.

18 THE COURT: ANYTHING ELSE?

19 MR. LINCENBERG.

20 MR. LINCENBERG: HOUSEKEEPING, YOUR HONOR.

21 THE COURT: HOUSEKEEPING.

22 MR. LINCENBERG: WE SUBMITTED A PROPOSED MODIFIED  
23 PROTECTIVE ORDER, IT'S JUST AWAITING YOUR SIGNATURE.

24 THE COURT: DID I NOT --

25 MR. LINCENBERG: THIS WAS ATTACHED TO THE JOINT



1 STATUS REPORT.

2 THE COURT: OH, I SIGNED IT. I SIGNED THE PROTECTIVE  
3 ORDER. MAYBE IT DIDN'T GET FILED, BUT I SIGNED IT.

4 MR. LINCENBERG: OKAY. THANK YOU, YOUR HONOR.

5 THE COURT: I WILL CHECK ON THAT, THAT WOULD BE MY  
6 FAULT.

7 MR. LEACH: AND IS YOUR HONOR EXCLUDING TIME UNDER  
8 THE SPEEDY TRIAL ACT?

9 THE COURT: YES. I WILL EXCLUDE THE TIME BETWEEN NOW  
10 AND MARCH 18TH FOR EFFECTIVE PREPARATION, AND FOR THE FACT THAT  
11 IT'S A COMPLEX CASE.

12 MR. LEACH: THANK YOU, YOUR HONOR.

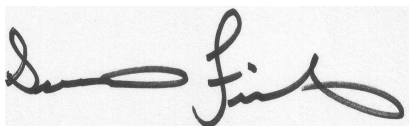
13 THE COURT: ANYTHING ELSE? OKAY. THANK YOU.

14 (THE PROCEEDINGS WERE CONCLUDED AT 2:08 P.M.)  
15  
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**CERTIFICATE OF REPORTER**

I, THE UNDERSIGNED OFFICIAL COURT  
REPORTER OF THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF CALIFORNIA, 280 SOUTH  
FIRST STREET, SAN JOSE, CALIFORNIA, DO HEREBY  
CERTIFY:

THAT THE FOREGOING TRANSCRIPT,  
CERTIFICATE INCLUSIVE, CONSTITUTES A TRUE, FULL AND  
CORRECT TRANSCRIPT OF MY SHORTHAND NOTES TAKEN AS  
SUCH OFFICIAL COURT REPORTER OF THE PROCEEDINGS  
HEREINBEFORE ENTITLED AND REDUCED BY COMPUTER-AIDED  
TRANSCRIPTION TO THE BEST OF MY ABILITY.

A handwritten signature in black ink, appearing to read "Summer A. Fisher", is written over a light gray rectangular background.

SUMMER A. FISHER, CSR, CRR  
CERTIFICATE NUMBER 13185

DATED: 6/29/23